

April 26, 2018

**VIA HAND DELIVERY**

The Honorable Chair and Members of  
the Hawaii Public Utilities Commission  
Kekaunaoa Building  
465 South King Street, 1<sup>st</sup> Floor  
Honolulu, Hawaii 96813

FILED  
2018 APR 26 A 11:15  
PUBLIC UTILITIES  
COMMISSION

**Re: Docket No. 2017-0134, Wailuku Water Company, LLC - Application For  
Approval Sale of Assets –Water Rights Agreement**

Dear Commissioners:

In Decision and Order No. 34838 filed on September 22, 2017 in the above-referenced proceeding, the Commission approved the proposed sale of certain real property by Wailuku Water Company, LLC (“WWC”) to Ting Ranch, LLC, or its assignee/designee, subject to certain conditions, including the following: “Within thirty calendar days following the closing of the Land Sale, WWC shall file the final deed or separate easement document”. By letter dated April 11, 2018, WWC submitted copies of the recorded deeds and a copy of the unrecorded Agreement Recognizing Water Commission Requirements, Reservation of Rights and Granting Easements dated April 10, 2018 (the “Water Rights Agreement”), and stated that it would provide a copy of the recorded document once was available. Enclosed is a copy of the Water Rights Agreement, which was recorded on April 16, 2018.

If you have any questions or require any additional information, please feel free to contact us.

Very truly yours,  
WATANABE ING LLP

  
J. DOUGLAS ING  
PAMELA J. LARSON  
DAVID Y. NAKASHIMA

581254

Enclosure

cc: Division of Consumer Advocacy (w/enclosure; via hand delivery)

cll Agn



STATE OF HAWAII  
BUREAU OF CONVEYANCES  
RECORDED

April 16, 2018 8:01 AM

Doc No(s) A-66800479



1 1/1 SKC  
8-33150515

/s/ LESLIE T. KOBATA  
REGISTRAR

LAND COURT SYSTEM

REGULAR SYSTEM

Return by Mail ( ) Pickup ( )

Mancini, Welch, Geiger LLP  
205 E. Waikele Ave, Ste 200  
Kahuku, Hawaii 96732-1681

TITLE GUARANTY OF HAWAII HAS  
FILED THIS DOCUMENT FOR RECORD  
AS AN ACCOMMODATION ONLY. THIS  
DOCUMENT HAS NOT BEEN  
REVIEWED OR IN ANY WAY EXAMINED  
AS TO ITS EFFECT ON REAL PROPERTY.

RLS

TG: 4979.77c

Tax Key: (2) 3-6-003:001  
(2) 3-5-003:001  
(2) 3-3-003:003

Total No. of Pages: 46

AGREEMENT RECOGNIZING WATER COMMISSION  
REQUIREMENTS, RESERVATION OF RIGHTS AND GRANTING EASEMENTS

This Agreement is entered into between WAILUKU WATER COMPANY, LLC, a Hawaii limited liability company whose address is P. O. Box 2790, Wailuku, HI 96793 ("Wailuku Water"), and HANAULA RANCH, LLC, a Hawaii limited liability company, whose address is 1962 Wells Street, Wailuku, HI 96793 ("Hanaula"), collectively, the "Parties", effective as of March 2, 2018.

**RECITALS**

Wailuku Water and Hanaula together own a certain parcel of land located in Waikapu, Maui, that is a portion of TMK (2) 3-

5-003:001, comprising approximately 3,648.414 acres (the "Joint Property"), which Joint Property is more particularly described in the attached Exhibit "A", and which ownership interests are subject to certain reserved rights concerning surface water rights, ground water rights and water transmission facility rights as well as to a Co-Tenancy Agreement recorded in the Bureau of Conveyances of the State of Hawaii as Document No. A-66450356.

Wailuku Water conveyed to Hanaula a certain parcel of land located in Waikapu, Maui, that is TMK (2) 3-6-003:001, comprising approximately 3,425.00 acres (the "Separate Property"), which Separate Property is more particularly described in the attached Exhibit "B", which conveyance was subject to certain reserved rights concerning surface water rights, ground water rights, and water transmission facility rights.

Wailuku Water, by Assignment of In Gross Reservations dated effective October 1, 2005, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 2005-229077, by and between Wailuku Agribusiness Co., Inc., a Hawaii corporation, as Assignor, and Wailuku Water Company, LLC, a Hawaii limited liability company doing business as Wailuku Water Company, as Assignee, received certain rights reserved by Wailuku Agribusiness Co., Inc. in connection with the Joint Property and the Separate Property, which included surface water rights, ground water rights and water transmission facility rights.

The Joint Property and the Separate Property are each within a Surface Water Management Area, regulated by the State of Hawaii Commission on Water Resource Management.

The purpose of this agreement is to state the rights and obligations of the Parties with respect to the Joint Property and the Separate Property, collectively called the Property, as related to surface water rights, ground water rights and water transmission facility rights and to grant an easement in favor of that certain parcel of land located in Wailuku and Waiehu, Maui, having TMK (2) 3-3-003:003 (the "Benefitted Property") owned by Wailuku Water Company, LLC, which Benefitted Property is more particularly described in the attached Exhibit "C".

#### **AGREEMENT**

**1. Compliance with Water Commission Requirements.**  
Wailuku Water and Hanaula recognize that the Property is part

of a Surface Water Management Area, and that accordingly, the use and management of surface water on the Property is regulated by the State of Hawaii's Commission on Water Resource Management (the "Water Commission"). The Parties agree to abide by the Water Commission's rules and regulations regarding the use of the Property, and all other applicable laws, rules, or regulations.

**2. Water Transmission Facilities.** Hanaula acknowledges that the Property is encumbered by two ditches, located approximately as shown on the map attached as Exhibit "D" to this Agreement, and made a part hereof by reference, and identified thereon as the South Waikapu Ditch and the Iao-Waikapu Ditch shown approximately on Exhibit "D" to this Declaration (collectively, the "Irrigation Ditches").

Hanaula acknowledges that certain pumps, waterways, pipelines, filter systems, electrical lines and related water transmission facilities, associated with the Irrigation Ditches (collectively "Water Facilities") are located within the Property.

**3. Irrigation Ditches and Water Facilities Rights.** For the benefit of Wailuku Water, its successors and assigns, Hanaula recognizes and acknowledges that Wailuku Water has reserved perpetual easement rights for use, operation, maintenance, repair, improvement and/or replacement of the Irrigation Ditches and the Water Facilities, and the right to use water therefrom, together with the right of access thereto and thereon reasonably required or convenient for such purposes. To the extent that Wailuku Water requires easement rights or rights of access over the Property, such easements and other rights that affect, encumber and burden the Property, are granted by Hanaula in favor of Wailuku Water, its successors and assigns, for the benefit of property owned by Wailuku Water on and over which Wailuku Water has rights to install, maintain, operate, repair or replace its water system, and specifically with respect to the Property which is burdened, Wailuku Water, its successors and assigns, shall have the right to install, maintain, operate, or replace the Irrigation Ditches, the Water Facilities and its water system. The reserved rights and easement rights shall include and be subject to the following terms and conditions.

a. Hanaula shall not obstruct, divert or otherwise interfere with the full and free flowage of water within and through the Irrigation Ditches and the Water Facilities, and Hanaula will not

cause or allow any person or entity claiming by or through Hanaula, any discharge therefrom or therein or to do other acts which may affect the free and full use thereof by Wailuku Water, its successors and assigns, and others entitled thereto;

b. Hanaula's withdrawal and use of water if any, from the Irrigation Ditches shall be subject to the terms and conditions of an unrecorded Water Delivery Agreement between Hanaula and Wailuku Water.

c. Any maintenance, repair, improvement and/or replacement of the Irrigation Ditches or the Water Facilities required and performed by Wailuku Water for use thereof by Wailuku Water, shall be at the direction and expense of Wailuku Water, subject to contribution from Hanaula relating to use thereof by Hanaula, as shall be provided in the Water Delivery Agreement, and for damage or interference caused by or through Hanaula;

d. Wailuku Water may delegate or assign all or any portion of its rights hereunder, in all or any portion of the Irrigation Ditches and the Water Facilities; provided, however, that any such delegation or assignment of Wailuku Water's reserved rights as set forth herein shall be and is expressly conditioned upon the delegee/assignee assuming Wailuku Water's obligations to provide water from the Irrigation Ditches to Hanaula under the Water Delivery Agreement, that no such delegation, or assignment shall relieve Wailuku Water of its obligations under the Water Delivery Agreement, and that no such delegation or assignment shall prevent Wailuku Water or such delegee/assignee, as the case may be, from satisfying its obligations to supply water to Hanaula under the Water Delivery Agreement;

e. Wailuku Water shall have no obligation to use, operate, maintain, repair, improve and/or replace all or any portion of the Irrigation Ditches or the Water Facilities, except that Wailuku Water shall use, operate, maintain and repair the Irrigation Ditches and the Water

Facilities to the extent necessary to satisfy Wailuku's obligations to provide water to Hanaula under the Water Delivery Agreement.

4. **Water Course Reservation.** For the benefit of Wailuku Water, Wailuku Water shall have, and there is hereby reserved to Wailuku Water, its successors and assigns, and granted by Hanaula to Wailuku Water, its successors and assigns, watercourse easements of such character and sufficient size and location (the location shall be designated by Wailuku Water in writing from time to time) as Wailuku Water, its successors and assigns, may reasonably establish for the flowage and direction of water suspended material or the flotation of other objects upon, through, along and over the Property in the approximate locations of the Irrigation Ditches.

5. **Drainage Reservation.** For the benefit of Wailuku Water, its successors and assigns, there shall be reserved unto Wailuku Water, its successors and assigns a natural sheet-flow drainage path for the storm waters that flow from the Wailuku Lands to the ocean. Should Hanaula wish to alter such natural flow of storm waters, Hanaula shall at its sole cost and expense obtain all necessary government approvals and shall be solely responsible for any and all costs of such alteration.

6. **Water Reservation.** For the benefit of Wailuku Water, its successors and assigns, there shall be reserved unto Wailuku, its successors and assigns all surface water rights and ground water rights to the Property, provided, however, appurtenant surface water rights are not reserved herein.

7. **Easement.** Wailuku Water and Hanaula, as the joint owners of the Joint Property, and Hanaula, as the owner of the Separate Property, hereby declare and establish a non-exclusive and perpetual easement over, under and across the Joint Property and the Separate Property in favor of the Benefitted Property to install, maintain, operate, repair or replace the Irrigation Ditches, the Water Facilities and the water system.

8. **Assignment.** Wailuku Water has the right to assign its interest in the Property, and its rights and responsibilities under this Agreement, without penalty, including easement rights and rights of entry. In the event of any such assignment, Wailuku Water shall notify Hanaula of the assignment.

9. **Assignees and Successors.** This Agreement shall

inure to the benefit of and shall be binding upon the Parties hereto and their respective successors and assigns. The term "Wailuku Water" and "Hanaula" herein shall include their respective successors.

10. **Governing Law.** this Agreement shall be governed by the laws of the State of Hawaii.

11. **No Waiver.** No failure by any Party to insist upon strict performance by the other Party of any of the terms and provisions of this Agreement shall be deemed to be a waiver of any such terms or provisions or of the other Party's obligation to comply with such terms or provisions; and notwithstanding such failure, each Party shall have the right thereafter to insist upon the other Party's strict performance of such terms and provisions. Any waiver of the terms of this Agreement shall not be effective unless given in writing.

Executed the day and year first above written.

WAILUKU WATER COMPANY, LLC:

By:  Avery B. O'Hanlon

Its: President / Manager

HANAULA RANCH, LLC

By:  Duane Ting

Its: Manager

STATE OF HAWAII

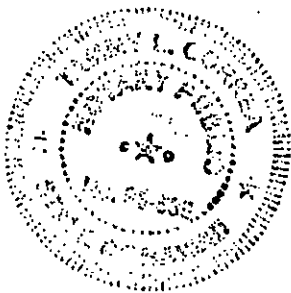
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COUNTY OF MAUI

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On this 10<sup>th</sup> day of April, 2018, before me personally appeared AVERY B. CHUMBLEY, who, being by me duly sworn or affirmed, did say that such person executed the foregoing instrument as the free act and deed of such person, and if applicable in the capacity shown, having been duly authorized to execute such instrument in such capacity.



Tammy L. Correa  
Notary Public, State of Hawaii

Print  
Name:

Tammy L. Correa

My commission expires:

9/24/2020

Document Date: March 2, 2018

# of Pages: 46

Notary Name: Tammy L. Correa

Second Circuit

Document Description: Agreement Recognizing

Water Commission Requirements, Reservation of

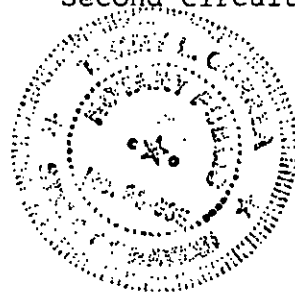
Rights and Granting Easements

Tammy L. Correa

4/10/18

Notary Signature

Date





STATE OF HAWAII

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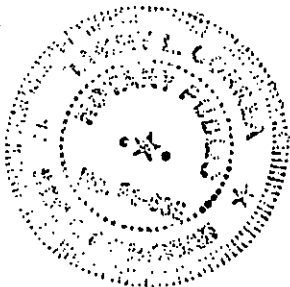
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SS

COUNTY OF MAUI

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On this 10<sup>th</sup> day of April, 2018, before me personally appeared DUANE TING, who, being by me duly sworn or affirmed, did say that such person executed the foregoing instrument as the free act and deed of such person, and if applicable in the capacity shown, having been duly authorized to execute such instrument in such capacity.



Tammy L. Correa  
Notary Public, State of Hawaii

Print  
Name:

Tammy L. Correa

My commission expires:

9/26/2020

Document Date: March 2, 2018

# of Pages: 46

Notary Name: Tammy L. Correa

Second Circuit

Document Description: Agreement Recognizing

Water Commission Requirements, Reservation of

Rights and Granting Easements

Notary Signature

Date

Tammy L. Correa

4/10/18



## EXHIBIT A

### Property Description EXHIBIT "A"

All of that certain parcel of land (being portion of the lands described in and covered by the following:

Royal Patent Grant Number 3343 to Claus Spreckels;  
Royal Patent Grant Number 3152 to Henry Cornwell;  
Royal Patent Number 3122, Land Commission Award Number 3549, Apana 2 to Keaka;  
Royal Patent Grant Number 2007, Apana 1 to John Richardson;  
Royal Patent Number 7659, Land Commission Award Number 326 to Wm. Humphreys;  
Royal Patent Numbers 4529-B and 4549, Land Commission Award Number 71 to Michael J. Nowlien;  
Royal Patent Grant Number 483 to E. Bailey;  
Royal Patent Numbers 1925, 1928 and 1958, issued on a portion of Land Commission Award Number 387, Part 5, Section 1 to American Board of Commissioners for Foreign Missions;  
Royal Patent Number 7299, Land Commission Award Number 4452, Apana 6 to H. Kalama;  
Royal Patent Number 494, Land Commission Award Number 2610 to Pehu;  
Royal Patent Number 7307, Land Commission Award Number 4452, Apana 10 to H. Kalama; and

all of the lands described in and covered by the following:

Apana 4 of Royal Patent Number 3143, Land Commission Award Number 3402 to Poupou;  
Apana 1 of Royal Patent Number 3151, Land Commission Award Number 3546 to Kupalii; and  
Land Patent Number 8280, Land Commission Award Number 643 to George W. Macy on behalf of his wife, Lydia Anne Macy.

Situate, lying and being at Waikapu, District of Wailuku, Island and County of Maui, State of Hawaii, bearing Tax Key designation (2) 3-5-003-001 and containing an area of 3,648.614 acres, more or less.

Being the premises acquired by Wailuku Water Company, LLC and Hanaula Ranch, LLC herein by Quitclaim Deed from Wailuku Water Company, LLC, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. A-66450357.

SUBJECT, HOWEVER, to the following:

1. Mineral and water rights of any nature.

2. Any and all matters not shown in the Indices described herein.

3. Location of the boundary of Iao Stream and the effect, if any, upon the area of the land described herein, and the free flowage thereof.

4. Location of the boundary of Waikapu Stream and the effect, if any, upon the area of the land described herein, and the free flowage thereof.

5. Rights of native tenants as reserved in Royal Patent Grant 3152 to Henry Cornwell, Royal Patent Grant Number 3343 to Claus Spreckels and Royal Patent Grant Number 2007 to John Richardson.

6. West Maui Forest Reserve as referenced on tax map.

7. All rights, claims and/or interests of others which exist or might arise by virtue of the following unlocated parcels within Forest Reserve as referenced on tax map:

A) Dropped Tax Key (2) 3-5-003-003, Kaonoulu Ranch Co., Ltd., 41.55 acres.

B) Dropped Tax Key (2) 3-5-003-008, Wailuku Sugar Co., 1.47 acres, Land Commission Award Number 460, Apana 3.

8. The terms and provisions contained in Exchange Deed and Agreement dated June 23, 1924, recorded in the said Bureau of Conveyances in Liber 740 on Page 134.

9. Grant to the County of Maui, a political subdivision of the State of Hawaii, dated January 24, 1983, recorded in the said Bureau of Conveyances in Liber 17680 on Page 534, granting Easement "D" (area 4,371 square feet) for waterline, utility and service road easement, and Easement "E" (area 14,246 square feet) for waterline, tank site, utility and service road easement.

10. Grant to Maui Electric Company, Limited, a Hawaii corporation, and Hawaiian Telephone Company, a Hawaii corporation, now known as Hawaiian Telcom, Inc., dated January 5, 1987, recorded in the said Bureau of Conveyances in Liber 20331 on Page 23, granting right and easement for utility purposes as shown on map attached thereto.

11. Standby Grant of Easement dated June 17, 1988, recorded in the said Bureau of Conveyances in Liber 22043 on Page 646, by and between Wailuku Agribusiness Co., Inc., a Hawaii corporation, and Waikapu Mauka Partners, a Hawaii general partnership, in that certain unrecorded Water Delivery Agreement.

The interest of Waikapu Mauka Partners, a Hawaii

general partnership, assigned its interest in the above agreement to H.F.J. Mauka, Inc., a Hawaii corporation, by Assignment of Standby Grant of Easement dated October 27, 2000, recorded as Document No. 2000-152532.

12. The terms and provisions contained in Elevation Agreement dated August 4, 1994, recorded in the said Bureau of Conveyances as Document No. 94-150908, by and between Wailuku Agribusiness Company, Inc., "Subdivider", and Department of Water Supply of the County of Maui, "Department".

13. The terms and provisions contained in Modification of Subdivision Requirements Agreement dated August 8, 1994, recorded in the said Bureau of Conveyances as Document No. 94-150909, by and between Wailuku Agribusiness Company, Inc., "Subdivider", and Board of Water Supply of the County of Maui, "Department".

14. The terms and provisions contained in Subdivision Agreement (Three Lots or Less) dated January 16, 1996, recorded in the said Bureau of Conveyances as Document No. 96-037557, by and between Wailuku Agribusiness Co., Inc., a Hawaii corporation, "the Owner", and the County of Maui, a body politic and corporate and a political subdivision of the State of Hawaii.

15. Items shown on survey map prepared by Warren S. Unemori, Registered Professional Engineer and Land Surveyor with Warren S. Unemori Engineering, Inc., dated July 2, 1993, revised July 23, 1993, August 24, 1994 and September 29, 1994, to-wit:

- (A) Approximate 500 year flood inundation limits;
- (B) Future Double Service Water Lateral;
- (C) 15-foot drainage reserve; and
- (D) Dirt road.

16. The terms and provisions contained in Declaration of Covenants, Conditions, Easements, Reservations and Restrictions dated July 27, 2004, recorded in the said Bureau of Conveyances as Document No. 2004-166213.

Said above Declaration was assigned to Wailuku Water Company, LLC, a Hawaii limited liability company, doing business as Wailuku Water Company, by instrument effective October 1, 2005, recorded as Document No. 2005-229075. Said Assignment was amended by instrument dated August 27, 2007, recorded as Document No. 2007-157854.

17. The terms and provisions contained in Encroachment Agreement and License dated December 27, 2005, recorded in the said Bureau of Conveyances as Document No. 2005-264715, by and between Hawaii Nature Center, Inc., a Hawaii nonprofit corporation, "HNC", and Wailuku Water Company, LLC, a Hawaii limited liability company, "WWC".

18. Grant to Hawaii Nature Center, a Hawaii Not for Profit Corporation, dated December 27, 2005, recorded in the said Bureau of Conveyances as Document No. 2005-264716, granting a conservation easement in gross, in perpetuity, over the Dedicated Land.

19. Claims arising out of customary and traditional rights and practices, including without limitation those exercised for subsistence, cultural, religious, access or gathering purposes, as provided for in the Hawaii Constitution or the Hawaii Revised Statutes.

20. Any unrecorded leases and matters arising from or affecting the same.

21. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other matters which a correct survey or archaeological study would disclose.

Note: A current survey, with metes and bounds description, should be made of said premises.

22. AS TO THAT PORTION OF TMK (2) 3-5-003-001 COVERED BY LAND PATENT NUMBER 8280, LAND COMMISSION AWARD NUMBER 643 TO GEORGE W. MACY ON BEHALF OF HIS WIFE, LYDIA ANNE MACY:

All rights, claims and/or interests of others which exist or might arise by virtue of those matters set forth in the following memorandum:

Land Commission Award Number 643 was issued to George Macy on behalf of his wife, Lydia Anne Macy, on December 12, 1840. A portion of Apana 1 is the subject land of his memorandum of title. Apana 1 is a large loi at Wailuku Valley containing an area of 25 acres, more or less. Land Patent Number 8280 was subsequently issued thereon on February 17, 1911.

By Deed dated August 29, 1859, recorded in the said Bureau of Conveyances in Liber 12 on Page 111, George W. Macy (and wife, Niniau) conveyed to Kapoekai (k).

No conveyances appear of record by Kapoekai (k) dealing with the subject land, likewise, there is no probate proceeding of his estate.

By Warranty Deed dated May 14, 1964, recorded in Liber 21 on Page 165, James W. Austin, Trustee for John D. Havekost and wife, Ellen Havekost), conveyed the subject land to Eugene Bal and W. F. Adams. This deed is silent as to the manner in which the Grantor acquired his interest.

From the date of the foregoing deed, title to this interest descends straight and unbroken to the present titleholder.

23. AS TO THAT PORTION OF TMK (2) 3-5-003-001 COVERED BY ROYAL PATENT NUMBER 3151, LAND COMMISSION AWARD NUMBER 3546, APANA 1 TO KUPALII:

All rights, claims and/or interests of others which exist or might arise by virtue of those matters set forth in the following memorandum:

Apana 1 (besides other apana) of Land Commission Award Number 3546 was issued to Kupalii on September 27, 1852, containing an area of 2-3/10 acres, more or less, located at Waikapu, Island of Maui. Subsequently, Royal Patent Number 3151 was issued thereon on August 7, 1856.

No conveyances appear of record by Kupalii (k) dealing with the subject land and his estate was probated in the Second Judicial Circuit as Probate Number 215. Petition for Administration filed August 23, 1865 show he was survived by wife, Pipipiapoo and two (2) adopted children, Kupalii 2 and Makalua. The court ordered Pipipiapoo and Makalua as administrators of the estate. There was nothing further had in this proceeding.

No conveyances appear of record by Pipipiapoo (w), Kupalii 2 or Makalua, dealing with the subject land.

By Warranty Deed dated April 23, 1895, recorded in the said Bureau of Conveyances in Liber 154 on Page 49, Ikaia Kuhelaloa (and his wife, Hai) and Hananui (w), conveyed to Wailuku Sugar Company "Three pieces or parcels of land situated in Waikapu Island of Maui K. I. and being R. P. 3151 L. C. A. 3546 awarded to Kupalii". Said deed recites in part: "The said Kupalii is our uncle and he has no other heirs but ourselves as the said property descended to the said Ikaia Kuhelaloa and Hananui(w)".

From the date of the foregoing deed, title to this interest descends straight and unbroken to the present titleholder.

24. AS TO THAT PORTION OF TMK (2) 3-5-003-001 COVERED BY PORTION ROYAL PATENT NUMBER 494, LAND COMMISSION AWARD NUMBER 2610 TO PEHU:

All rights, claims and/or interests of others which exist or might arise by virtue of those matters set forth in the following memorandum:

Land Commission Award Number 2610 was issued to PEHU on May 17, 1857, containing an area of 6-6/10 acres, more or less. Subsequently, Royal Patent Number 494 was issued thereon on September 2, 1851. The subject land of this memorandum of title is a portion of this award.

By Deed dated January 10, 1852, recorded in the said Bureau of Conveyances in Liber 1 on Page 464, Pehu (w) conveyed to John Richardson the entire Land Commission Award Number 2610.

No conveyances appear of record by John Richardson dealing with the subject land and he died on January 6, 1860 in Kula. His estate was probated in the Second Judicial Circuit as Probate Number 125 and pursuant to Order filed July 3, 1860, said administrators conveyed the land of Pehu to Kekuiohoupu (k) by Deed dated September 10, 1860, recorded in Liber 13 on Page 196.

No conveyances appear of record by Kekuiohoupu (k), likewise, there is no probate proceeding of his estate.

Note: Proceedings had in Probate Number 125, Second Judicial Circuit show that George E. Richardson, son of John Richardson, held an interest in Kuleana No. 2428 (being not the land under search) "with his uncle Kekuihoupu."

Deed of Dorcas Richardson Decker, widow, dated October 5, 1911, recorded in Liber 348 on Page 383, conveyed to her sister, Fannie Norrie "both of said pieces of land being known as the lands of Kekuihoupu, my grand-uncle and which said lands have been in my undisturbed possession and ownership for more than fifteen (15) years last past."

No further conveyances appear of record by Fannie Norrie dealing with the subject land and she died on July 25, 1929 in Honolulu. Her death record shows her being the daughter of John Richardson and Marie Ilae. Probate Number 7965, First Judicial Circuit, is the Estate of Fannie Richardson Norrie, deceased. Proceedings had therein do not show the subject land as being part of the assets of the estate and she was survived by her husband, Edmund Norrie and a son, Carl Gordon Norrie. The assets of the estate were foreclosed upon by the Waterhouse Trust Company, as holder of a mortgage in the amount of \$5,000, said Notice of Sale being recorded in Liber 1120 on Page 476.

No conveyances appear of record by Edmund Norrie and he died on October 3, 1939 in Honolulu.

No conveyances appear of record by Carl Gordon Norrie. The records at the Bureau of Health Statistics reveal the marriage of Carl Gordon Norrie, son of Edmund Wright Norrie and Fannie Richardson, to Katherine K. Mossman on June 20, 1926 in Honolulu. There is no probate proceeding of his estate.

#### PART I:

By Deed dated July 24, 1912, recorded in Liber 372 on Page 358, Aileen Ruth Maguire, Eva Woods, Helen U. Widemann, Annie T. K. Parker, Samuel K. Parker, Ernest N. Parker and James K. Parker conveyed their interest in Land Commission Award Number 2610 (besides other lands) to E. Faxon Bishop, as Trustee. This deed is silent as to how the grantors acquired their interest in the subject land.

From the date of the foregoing deed, title to this interest descends straight and unbroken to the present titleholder.

Note: Proceedings had in Probate Number 125, Second Judicial Circuit, show that Kiki Napela, the wife of Napela (k), was the sister of John Richardson. By Affidavit of Fannie Norrie dated April 3, 1917, recorded in Liber 460 on Page 484, the affiant states that Napela (k) died on Molokai on August 6, 1879 and his wife died two weeks after and left as their sole surviving child, Harriet P. Napela, who married Samuel Parker, Sr. about 1870.

No conveyances appear of record by Harriet P. Parker, likewise, there is no probate proceeding of her estate. However, in Probate Number 5791, the children and heirs of Samuel Parker, widower of Harriet P. Parker, were determined to be:

Samuel Parker, Jr.;  
Ernest Parker;  
James Parker;  
Helen Parker Widemann;  
Eva Parker Woods;  
Aileen Ruth Maguire (heir of her deceased mother, Mary Maguire); and  
Annie T. K. Parker (heir of John P. Parker).

#### PART II:

Probate Number 2715, First Judicial Circuit, is in the matter of the estate of Ellen R. Everett, deceased. By Will admitted to Probate on February 17, 1891, all the decedent's property was devised to her husband, Thomas W. Everett. Inventory filed therein on March 9, 1891 shows a 1/3 interest in the estate of the late Kekuihoupu, besides other lands.

Thomas W. Everett, as Lessor, leased the subject land to Antonio Faustino for a term of ten (10) years from March 1, 1895, by Lease dated February 28, 1895, recorded in Liber 150 on Page 359.

No further conveyances appear of record by Thomas W. Everett dealing with the subject land and he died on or about September 4, 1896 in Wailuku. Probate Number 431, Second Judicial Circuit, is in the matter of the estate of Thomas W. Everett, deceased. By Will admitted to probate on February 13, 1896, Thomas W. Everett devised a life estate to Dorcas F. Richardson, with the remaining interest to be



divided as follows:

1/5 to the lawful issue of Dorcas F. Richardson, or in the absence of any, to be equally divided between the issue of John Richardson, issue of Mary Elue Gay, issue of George Richardson, and issue of Hattie Parker.

The records at the Bureau of Health Statistics reveal the death of Dorcas R. Decker on October 16, 1911 in Honolulu. There is no probate proceeding of her estate. The October 17, 1911 edition of The Advertiser shows an obituary of Dorcas R. Decker, she leaving no issue and was identified as the sister of Mrs. Edmund Norrie and John Richardson.

PART II-A:  
AS TO THE INTEREST OF JOHN RICHARDSON

No conveyances appear of record by John Richardson dealing with the subject land and he died on June 25, 1917 in Honolulu. There is no probate proceeding of his estate. The obituary of Colonel John Richardson printed in the June 26, 1917 edition of the Advertiser reports that Colonel John Richardson, son of Judge John Richardson, died on June 25, 1917 at Leahi Home, Kaimuki, born Waikapu, December 15, 1853, twice married, survived by widow, sister Norrie and twelve (12) unidentified children, including eldest daughter, Mrs. John Hose and son, Arnold R. M. Richardson.

PART II-A-1:

By Deed dated May 25, 1911, recorded in Liber 355 on Page 7, John Richardson, Jr., unmarried, conveyed to Helen P. Gay "all of his right, title, estate and interest whatsoever, both at law and in equity, vested, contingent or in expectancy, in and to the property and estate of the late Thomas Wright Everett."

By Deed dated July 27, 1912, recorded in Liber 372 on Page 360, Helen P. Gay conveyed her interest in the subject land to E. Faxon Bishop, Trustee.

From the date of the foregoing deed to E. Faxon Bishop, title to this interest descends straight and unbroken to the present titleholder.

PART II-A-2:

By Deed dated July 27, 1912, recorded in Liber 372 on Page 360, Ivy Richardson Buchanan, wife of W. K. Buchanan, conveyed her interest in the subject land to E. Faxon Bishop, Trustee.

Note: The records at the Bureau of Health Statistics reveal the marriage of Ivy K. Richardson, daughter of John Richardson and

Elizabeth K. Kalaiakamanu, to William K. Buchanan on May 26, 1906 in Lahaina, Maui.

From the date of the foregoing deed to E. Faxon Bishop, title to this interest descends straight and unbroken to the present titleholder.

PART II-A-3:

The records at the Bureau of Health Statistics reveal the following:

(A) Marriage of George Richardson, son of John Richardson and Kalai, to Dina Kauhaahaa on August 1, 1901 in Honolulu.

(B) Marriage of George K. Richardson; son of John Richardson and K. Richardson, to Mrs. Kuluhiwa on December 1, 1908 in Lahaina.

(C) Death of George Richardson on December 27, 1928 in Makawao, Maui. His death record shows him being age 51, widower of Mary Napaepae, father's name being John Richardson and mother, Elizabeth Shaw.

(D) Marriage of Rowina R. K. Richardson, daughter of John Richardson and Kalai Richardson, to John William Hose on November 8, 1902 in Lahaina.

(E) Death of Rowena Rachel Kahekuioikalani Hose, wife of John William Hose, on April 29, 1950 in Maui. Her death record show her being age 68, her father's name being John K. Richardson and mother, Elizabeth K. Shaw.

Note: Probate Number 4736, Second Judicial Circuit, is the Estate of Rowena K. Hose, deceased. By Will admitted to probate on July 25, 1950, all property was devised to her husband, John W. K. Hose. The Inventory filed therein does not list the subject land as part of the assets of the estate. Testimony transcripts show the decedent had no children and was survived by the following siblings, Thomas R. Clark, Wilfred Richardson, Gaelic Fitzgerald (sister), Ernest Richardson, Ivy Buchanan and the children of deceased brother, George Richardson.

(F) Marriage of Ivy K. Richardson, daughter of John Richardson and Elizabeth K. Kalaiakamanu, to William K. Buchanan on May 26, 1906 in Lahaina.

(G) Death of Ivy Kaleialohaonapali Buchanan, widow, on January 20, 1975 in Honolulu. Her death record shows her father's name being John Richardson and mother, Elizabeth Shaw.

(H) Marriage of Ernest K. Richardson, son of John Richardson and Elizabeth V. Kalaiokamanu Shaw, to Kathleen A. N. Bergstrom on July

31, 1916 in Honolulu.

(I) Death of one Ernest Richardson, widower of Kalei Saffery Richardson, on April 22, 1958 at Hilo, Hawaii. This death record does not list the names of the parents of the deceased.

Note: Probate Number 2821, Third Judicial Circuit, is the Estate of Ernest K. Richardson, deceased. Proceedings had therein show the decedent died testate on April 22, 1958, leaving as his heir-at-law, an adopted son, Theodore Richardson. The Inventory filed therein on July 8, 1958 does not list the subject land.

The records of the Second Judicial Circuit reveal a divorce proceeding filed in the June Term of 1889 between John Richardson, Libellant vs. Elizabeth V. S. Richardson, Libellee. Proceedings had therein reveal (1) the marriage of John Richardson and Elizabeth V. S. Richardson on July 11, 1877 in Lahaina and (2) the couple had six children, namely, George K., John K., Rachel R. K., Ivy K. and Elizabeth Mabel, the sixth child not identified.

The records at the Bureau of Health Statistics reveal the death of Elizabeth V. Richardson on April 3, 1901 in Honolulu. Her death record shows her being married (no husband shown) and parent's names not shown.

No conveyances appear of record by the children of John Richardson (by first wife, Elizabeth Kalaiakamanu Shaw) dealing with the subject land, except for John Richardson, Jr. (see Part II-A-1) and Ivy Richardson Buchanan (see Part II-A-2). The remaining four children of John and Elizabeth Richardson, being: George Richardson, Rowena Hose, Mabel Richardson, and Ernest Richardson.

The records at the Bureau of Health Statistics reveal the marriage of John Richardson and Mary Ann Shaw on October 21, 1901 in Honolulu. These records further show a death for Mary Ann Kaula Shaw Richardson on September 12, 1935 in Maui, she being the widow of John Richardson.

The children of this union have been identified in Probate Number 2886, Second Judicial Circuit, being the Estate of Mary Ann Kaula Shaw Richardson, deceased, as being:

Arnold B. M. Richardson  
Mrs. Gaelic Richardson Fitzgerald  
Wilfred K. Richardson  
Miss Helen Dudoit Richardson  
Thomas Richardson Clark  
Nellie E. M. Richardson

No conveyances appear of record by Arnold B. M. Richardson, Gaelic Richardson Fitzgerald, Wilfred K. Richardson, Helen

Dudoit Richardson, Thomas Richardson Clark and Nellie E. M. Richardson dealing with the subject land.

PART II-B:  
AS TO THE INTEREST OF MARY ELUE GAY

No conveyances appear of record by Mary Elue Gay, likewise, there is no probate proceeding of her estate.

Probate Number 3541, Second Judicial Circuit, is the Estate of Ethel P. N. Gay, deceased. Proceedings had therein identify the decedent as a daughter of Mary Ellen Gay. The heirs of Ethel P. N. Gay were determined to be her siblings, namely:

Alice N. K. Holt  
Llewellyn N. Gay  
Reginald F. Gay  
Arthur F. Gay  
Helen Fanny Gay  
Frida K. Gay

By Deed dated July 27, 1912, recorded in Liber 372 on Page 360, Alice Gay Holt (wife of W. D. Holt), Llewellyn N. Gay (unmarried), Eric J. Gay (widower), Arthur F. Gay (unmarried), Helen P. Gay and Frida K. Gay (unmarried) conveyed all their interest in the subject land to E. Faxon Bishop, as Trustee.

Note: The records at the Bureau of Health Statistics reveal the marriage of Eric Reginald James Gay, son of James Gay and Mary Ellen Richardson, to Adeline K. Morse on November 4, 1912 in Honolulu.

From the date of the foregoing deed, title to this interest descends straight and unbroken to the present titleholder.

PART II-C:  
AS TO THE INTEREST OF GEORGE RICHARDSON

No conveyances appear of record by George Richardson and he died on April 14, 1892. Probate Number 2791, First Judicial Circuit, is the Estate of George Richardson, deceased. Proceedings had therein show the decedent left surviving a widow, Caroline E. Richardson and four children, Edward Vivian (son), Thomas E. (son), Henry G. (son), and Lucy K. (daughter). Further proceedings show the widow, Caroline died on April 28, 1892 and one son, Henry Glendon Richardson died shortly thereafter. The Inventory filed therein does not list the subject land.

No conveyances appear of record by Edward Vivian Richardson dealing with the subject land and he died on May 23, 1949 in Honolulu. His death record shows him being age 67, the widower of Ella

Bal Richardson, his father's name being George E. Richardson and mother, Caroline Travis.

Note: Probate Number 5138, Second Judicial Circuit, is the Estate of E. V. Richardson, also known as Edward V. Richardson and Vivian Richardson, deceased, intestate. Inventory filed therein does not list the subject land. Master's Report filed October 7, 1960 show the heirs-at-law being:

George E. Richardson (son);  
Arma R. Pomroy (daughter);  
Elizabeth K. Hart (daughter);  
Nelson Richardson (son) - having died intestate on May 25, 1959, leaving as his heirs, Lei A. Richardson (widow) and Edward Vivian Richardson (son) and Donald Reuben Richardson (son); and Vivian Bal Richardson (adopted son).

By Deed dated September 7, 1912, recorded in Liber 372 on Page 363, Everett Richardson, unmarried, conveyed his interest in the subject land to E. Faxon Bishop, as Trustee.

From the date of the foregoing deed, title to this interest descends straight and unbroken to the present titleholder.

Note: The records of the Bureau of Health Statistics reveal the death of Thomas Everett Richardson on March 23, 1937 in Berkeley, California. His death record shows him being age 54, husband of Alice Gay Richardson, his father's name being George Edward Richardson, and mother, Caroline Travis.

No conveyances appear of record by Lucy K. Richardson and she married Harry H. Holt on July 21, 1921 in Honolulu. No conveyances appear of record by Lucy K. Richardson Holt and she died on September 26, 1967 in Honolulu.

Note: Probate Number 30078, First Judicial Circuit, is the Estate of Lucy Richardson Holt, deceased. Inventory filed therein on January 19, 1968 does not list the subject land. In accordance with the terms of the decedent's Last Will and Testament, all property of the estate was distributed to her children, Henry H. Holt, Jr. (son) and Harriette Holt Joesting (daughter).

PART II-D:  
INTEREST OF HATTIE PARKER

No conveyances appear of record by Harriet Parker dealing with the subject land, likewise, there is no probate proceeding of her estate or any judicial determination of her heirs. However, in Probate Number 5791, filed in the First Judicial Circuit, in the matter of the estate of Samuel Parker, widower of Harriet P. Parker, the children and heirs were determined to be:

Samuel Parker, Jr.;  
Ernest Parker;  
James Parker;  
Helen Parker Widemann;  
Eva Parker Woods;  
Aileen Ruth Maguire, heir of her deceased mother, Mary Maguire; and  
Annie T. K. Parker, heir of John P. Parker.

By Deed dated July 24, 1912, recorded in Liber 372 on Page 358, Samuel K. Parker, Ernest N. Parker, James K. Parker, Helen U. Widemann, Eva Woods, Aileen Ruth Maguire, and Annie T. K. Parker, conveyed their interest in Land Commission Award Number 2610, besides other land, to E. Faxon Bishop, as Trustee.

From the date of the foregoing deed, title to this interest descends straight and unbroken to the present titleholder.

25. AS TO THAT PORTION OF TMK (2) 3-5-003-001 COVERED BY ROYAL PATENT GRANT NUMBER 2007, APANA 1 TO JOHN RICHARDSON:

All rights, claims and/or interests of others which exist or might arise by virtue of those matters set forth in the following memorandum:

Royal Patent Grant Number 2007, Apana 1 with an area of 262 1/4 acres, Apana 2, with an area of 7/100 acre, and Apana 3 with an area of 23 1/4 acres, was issued to John Richardson on May 21, 1856. A portion of Apana 1 of the foregoing grant is the subject land of this memorandum of title.

No conveyances appear of record by John Richardson dealing with the subject land and he died on January 6, 1860. Probate No. 1210, filed in the Supreme Court, is the Estate of John Richardson, deceased. Order of Sale of the Real Estate on the Island of Maui was filed therein on July 3, 1860. Account of sales of real estate was filed on October 15, 1860, shows the sale of 262 1/4 acres (containing subject land) at Waikapu to Ellen Richardson Everett.

By Deed dated September 10, 1860, recorded in Liber 13 at Page 222, Edward P. Bond and Thomas W. Everett, as Administrators of

the Estate of John Richardson (and widow, Abigail M. Richardson) empowered by order of Supreme Court, dated July 3, 1860, conveyed to Ellen Everett Richardson "All that land in Waikapu, Maui, conveyed to John Richardson by R. P. 2007", besides other land.

No conveyances appear of record by Ellen Everett Richardson dealing with the subject land.

Probate Number 2715, First Judicial Circuit, is the Estate of Ellen R. Everett, deceased. Petition filed on January 7, 1891 shows decedent died on December 1, 1890. By Will admitted to Probate on February 17, 1891, all property was devised to the decedent's husband, Thomas W. Everett. Inventory filed therein on March 9, 1891 shows R.P. 2007 containing 262 1/4 acres, besides other lands.

No further conveyances appear of record by Thomas W. Everett dealing with the subject land and he died on or about September 4, 1896 in Wailuku. Probate Number 431, Second Judicial Circuit, is the Estate of Thomas W. Everett, deceased. By Will admitted to probate on February 13, 1896, Thomas W. Everett devised a life estate to Dorcas F. Richardson, with the remaining interest to be divided as follows:

1/5 to the lawful issue of Dorcas F. Richardson, or in the absence of any, to be equally divided between the issue of John Richardson, issue of Mary Elue Gay, issue of George Richardson, and issue of Hattie Parker.

The records at the Bureau of Health Statistics reveal the death of Dorcas R. Decker on October 16, 1911 in Honolulu. There is no probate proceeding of her estate. The October 17, 1911 edition of The Advertiser shows an obituary of Dorcas R. Decker, she leaving no issue and was identified as the sister of Mrs. Edmund Norrie and John Richardson.

PART I:  
AS TO THE INTEREST OF JOHN RICHARDSON

No conveyances appear of record by John Richardson dealing with the subject land and he died on June 25, 1917 in Honolulu. There is no probate proceeding of his estate. The obituary of Colonel John Richardson printed in the June 26, 1917 edition of the Advertiser reports that Colonel John Richardson, son of Judge John Richardson died on June 25, 1917 at Leahi Home, Kaimuki, born Waikapu, December 15, 1853, twice married, survived by widow, sister Norrie and twelve (12) unidentified children, including eldest daughter, Mrs. John Hose and son, Arnold R. M. Richardson.

PART I-A:

By Deed dated May 25, 1911, recorded in Liber 355 on Page 7, John Richardson, Jr., unmarried, conveyed to Helen P. Gay "all

of his right, title, estate and interest whatsoever, both at law and in equity, vested, contingent or in expectancy, in and to the property and estate of the late Thomas Wright Everett."

By Deed dated July 27, 1912, recorded in Liber 372 on Page 360, Helen P. Gay conveyed her interest in the subject land to E. Faxon Bishop, Trustee.

From the date of the foregoing deed to E. Faxon Bishop, title to this interest descends straight and unbroken to the present titleholder.

#### PART I-B:

By Deed dated July 27, 1912, recorded in Liber 372 on Page 360, Ivy Richardson Buchanan, wife of W. K. Buchanan, conveyed her interest in the subject land to E. Faxon Bishop, Trustee.

Note: The records at the Bureau of Health Statistics reveal the marriage of Ivy K. Richardson, daughter of John Richardson and Elizabeth K. Kalaiakamanu, to William K. Buchanan on May 26, 1906 in Lahaina, Maui.

From the date of the foregoing deed to E. Faxon Bishop, title to this interest descends straight and unbroken to the present titleholder.

#### PART I-C:

The records at the Bureau of Health Statistics reveal the following:

(A) Marriage of George Richardson, son of John Richardson and Kalai, to Dina Kauhaahaa on August 1, 1901 in Honolulu.

(B) Marriage of George K. Richardson, son of John Richardson and K. Richardson, to Mrs. Kuluhiwa on December 1, 1908 in Lahaina.

(C) Death of George Richardson on December 27, 1928 in Makawao, Maui. His death record shows him being age 51, widower of Mary Napaepae, father's name being John Richardson and mother, Elizabeth Shaw.

(D) Marriage of Rowina R. K. Richardson, daughter of John Richardson and Kalai Richardson, to John William Hose on November 8, 1902 in Lahaina.

(E) Death of Rowena Rachel Kahekuiokalani Hose, wife of John William Hose, on April 29, 1950 in Maui. Her death record show her being age 68, her father's name being John K. Richardson and mother, Elizabeth K. Shaw.



Note: Probate Number 4736, Second Judicial Circuit, is the Estate of Rowena K. Hose, deceased. By Will admitted to probate on July 25, 1950, all property was devised to her husband, John W. K. Hose. The Inventory filed therein does not list the subject land as part of the assets of the estate. Testimony transcripts show the decedent had no children and was survived by the following siblings, Thomas R. Clark, Wilfred Richardson, Gaelic Fitzgerald (sister), Ernest Richardson, Ivy Buchanan and the children of deceased brother, George Richardson.

(F) Marriage of Ivy K. Richardson, daughter of John Richardson and Elizabeth K. Kalaiakamanu, to William K. Buchanan on May 26, 1906 in Lahaina.

(G) Death of Ivy Kaleialohaonapali Buchanan, widow, on January 20, 1975 in Honolulu. Her death record shows her father's name being John Richardson and mother, Elizabeth Shaw.

(H) Marriage of Ernest K. Richardson, son of John Richardson and Elizabeth V. Kalaiokamanu Shaw, to Kathleen A. N. Bergstrom on July 31, 1916 in Honolulu.

(I) Death of one Ernest Richardson, widower of Kalei Saffery Richardson, on April 22, 1958 at Hilo, Hawaii. This death record does not list the names of the parents of the deceased.

Note: Probate Number 2821, Third Judicial Circuit, is the Estate of Ernest K. Richardson, deceased. Proceedings had therein show the decedent died testate on April 22, 1958, leaving as his heir-at-law, an adopted son, Theodore Richardson. The Inventory filed therein on July 8, 1958 does not list the subject land.

The records of the Second Judicial Circuit reveal a divorce proceeding filed in the June Term of 1889 between John Richardson, Libellant, vs. Elizabeth V. S. Richardson, Libellee. Proceedings had therein reveal (1) the marriage of John Richardson and Elizabeth V. S. Richardson on July 11, 1877 in Lahaina and (2) the couple had six children, namely, George K., John K., Rachel R. K., Ivy K. and Elizabeth Mabel, the sixth child not identified.

The records at the Bureau of Health Statistics reveal the death of Elizabeth V. Richardson on April 3, 1901 in Honolulu. Her death record shows her being married (no husband shown) and parent's names not shown.

No conveyances appear of record by the children of John Richardson (by first wife, Elizabeth Kalaiakamanu Shaw) dealing with the subject land, except for John Richardson, Jr. (see Part II-A-1) and Ivy Richardson Buchanan (see Part II-A-2). The remaining four children of John and Elizabeth Richardson, being: George Richardson, Rowena

Hose, Mabel Richardson, and Ernest Richardson.

The records at the Bureau of Health Statistics reveal the marriage of John Richardson and Mary Ann Shaw on October 21, 1901 in Honolulu. These records further show a death for Mary Ann Kaula Shaw Richardson on September 12, 1935 in Maui, she being the widow of John Richardson.

The children of this union have been identified in Probate Number 2886, Second Judicial Circuit, being the Estate of Mary Ann Kaula Shaw Richardson, deceased, as being:

Arnold B. M. Richardson  
Mrs. Gaelic Richardson Fitzgerald  
Wilfred K. Richardson  
Miss Helen Dudoit Richardson  
Thomas Richardson Clark  
Nellie E. M. Richardson

No conveyances appear of record by Arnold B. M. Richardson, Gaelic Richardson Fitzgerald, Wilfred K. Richardson, Helen Dudoit Richardson, Thomas Richardson Clark and Nellie E. M. Richardson dealing with the subject land.

#### PART II:

##### AS TO THE INTEREST OF MARY ELUE GAY

No conveyances appear of record by Mary Elue Gay, likewise, there is no probate proceeding of her estate.

Probate Number 3541, Second Judicial Circuit, is the Estate of Ethel P. N. Gay, deceased. Proceedings had therein identify the decedent as a daughter of Mary Ellen Gay. The heirs of Ethel P. N. Gay were determined to be her siblings, namely:

Alice N. K. Holt  
Llewellyn N. Gay  
Reginald F. Gay  
Arthur F. Gay  
Helen Fanny Gay  
Frida K. Gay

By Deed dated July 27, 1912, recorded in Liber 372 on Page 360, Alice Gay Holt (wife of W. D. Holt), Llewellyn N. Gay (unmarried), Eric J. Gay (widower), Arthur F. Gay (unmarried), Helen P. Gay and Frida K. Gay (unmarried) conveyed all their interest in the subject land to E. Faxon Bishop, as Trustee.

Note: The records at the Bureau of Health Statistics reveal the marriage of Eric Reginald James Gay, son of James Gay and Mary Ellen Richardson, to Adeline K. Morse on November 4, 1912 in

Honolulu.

From the date of the foregoing deed, title to this interest descends straight and unbroken to the present titleholder.

PART III:

AS TO THE INTEREST OF GEORGE RICHARDSON

No conveyances appear of record by George Richardson and he died on April 14, 1892. Probate Number 2791, First Judicial Circuit, is the Estate of George Richardson, deceased. Proceedings had therein show the decedent left surviving a widow, Caroline E. Richardson and four children, Edward Vivian (son), Thomas E. (son), Henry G. (son), and Lucy K. (daughter). Further proceedings show the widow, Caroline died on April 28, 1892 and one son, Henry Glendon Richardson died shortly thereafter. The Inventory filed therein does not list the subject land.

No conveyances appear of record by Edward Vivian Richardson dealing with the subject land and he died on May 23, 1949 in Honolulu. His death record shows him being age 67, the widower of Ella Bal Richardson, his father's name being George E. Richardson and mother, Caroline Travis.

Note: Probate Number 5138, Second Judicial Circuit, is the Estate of E. V. Richardson, also known as Edward V. Richardson and Vivian Richardson, deceased, intestate. Inventory filed therein does not list the subject land. Master's Report filed October 7, 1960 show the heirs-at-law being:

George E. Richardson (son);  
Arma R. Pomroy (daughter);  
Elizabeth K. Hart (daughter);  
Nelson Richardson (son) - having died intestate on May 25, 1959, leaving as his heirs, Lei A. Richardson (widow) and Edward Vivian Richardson (son) and Donald Reuben Richardson (son); and Vivian Bal Richardson (adopted son).

By Deed dated September 7, 1912, recorded in Liber 372 on Page 363, Everett Richardson, unmarried, conveyed his interest in the subject land to E. Faxon Bishop, as Trustee.

From the date of the foregoing deed, title to this interest descends straight and unbroken to the present titleholder.

Note: The records of the Bureau of Health Statistics reveal the death of Thomas Everett Richardson on March 23, 1937 in Berkeley, California. His death record shows him being age 54, husband of Alice Gay Richardson, his father's name being George Edward Richardson, and mother, Caroline Travis.

No conveyances appear of record by Lucy K. Richardson and she married Harry H. Holt on July 21, 1921 in Honolulu. No conveyances appear of record by Lucy K. Richardson Holt and she died on September 26, 1967 in Honolulu.

Note: Probate Number 30078, First Judicial Circuit, is the Estate of Lucy Richardson Holt, deceased. Inventory filed therein on January 19, 1968 does not list the subject land. In accordance with the terms of the decedent's Last Will and Testament, all property of the estate was distributed to her children, Henry H. Holt, Jr. (son) and Harriette Holt Joesting (daughter).

PART IV:  
AS TO THE INTEREST OF HATTIE PARKER

No conveyances appear of record by Harriet Parker dealing with the subject land, likewise, there is no probate proceeding of her estate or any judicial determination of her heirs. However, in Probate Number 5791, filed in the First Judicial Circuit, in the matter of the estate of Samuel Parker, widower of Harriet P. Parker, the children and heirs were determined to be:

Samuel Parker, Jr.;  
Ernest Parker;  
James Parker;  
Helen Parker Widemann;  
Eva Parker Woods;  
Aileen Ruth Maguire, heir of her deceased  
mother, Mary Maguire; and  
Annie T. K. Parker, heir of John P. Parker.

No conveyances appear of record by the above named parties dealing with their interest in the subject land.

26. Co-Tenancy Agreement entered into by and between the Wailuku Water Company, LLC and Hanaula Ranch, LLC herein dated March 5, 2018, recorded in the said Bureau of Conveyances as Document No. A-66450356.

END OF EXHIBIT "A"

Tax Key: (2) 3-5-005-001

## EXHIBIT "B"

All of that certain parcel of land (being portions of the land(s) described in and covered by Royal Patent Grant Number 3152 to Henry Cornwell and Royal Patent Grant Number 1844 to Joseph Sylva) situate, lying and being at Waikapu, District of Wailuku, Island and County of Maui, State of Hawaii, bearing Tax Key designation (2) 3-6-003-001, and containing an area of 3,425.00 acres, more or less.

Being the premises acquired by Hanaula Ranch, LLC by Limited Warranty Deed of Wailuku Water Company, LLC, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. A-66450355.

SUBJECT, HOWEVER, to the following:

1. Mineral and water rights of any nature.
2. Location of the boundary of Waikapu Stream and the effect, if any, upon the area of the land described herein, and the free flowage thereof.
3. Ditch as referenced on tax map.
4. West Maui Forest Reserve as referenced on tax map.
5. The terms and provisions contained in Exchange Deed and Agreement dated June 23, 1924, recorded in the said Bureau of Conveyances in Liber 740 on Page 134.

Said above instrument was amended by Correction Exchange Deed dated March 24, 1937, recorded in Liber 1371 on Page 227, and further amended by unrecorded instrument dated March 21, 1939 and by unrecorded Temporary Water Agreement dated December 28, 1994 by and between A&B Hawaii, Inc. and Wailuku Agribusiness Co., Inc., as disclosed in Assignment of Deed of Exchange dated effective October 1, 2005, recorded as Document No. 2005-229076, wherein Wailuku Agribusiness Co., Inc., a Hawaii corporation, assigned its right in and to the above Exchange Deed and Agreement to Wailuku Water Company, LLC, a Hawaii limited liability company, doing business as Wailuku Water Company.

6. Unrecorded Water Delivery Agreement dated June 17, 1988, by and between Wailuku Agribusiness Co., Inc., a Hawaii corporation, and Waikapu Mauka Partners, a Hawaii general partnership, as set forth in Standby Grant of Easement dated June 17, 1988, recorded in the said Bureau of Conveyances in Liber 22043 on Page 646.
7. Standby Grant of Easement dated June 17, 1988, recorded in the said Bureau of Conveyances in Liber 22043 on Page 646, by and between Wailuku Agribusiness Co., Inc., a Hawaii corporation, and Waikapu Mauka Partners, a Hawaii general partnership, for a continuous

system of water diversion, etc.

By Assignment of Standby Grant dated October 27, 2000, recorded as Document No. 2000-152532, the interest of Waikapu Mauka Partners, a Hawaii general partnership, was assigned to H.F.J. Mauka, Inc., a Hawaii corporation.

8. Assignment of In Gross Reservations dated effective October 1, 2005, recorded in the said Bureau of Conveyances as Document No. 2005-229077, by and between Wailuku Agribusiness Co., Inc., a Hawaii corporation, as Assignor, and Wailuku Water Company, LLC, a Hawaii limited liability company, doing business as Wailuku Water Company.

By Assignment of In Gross Reservations dated October 17, 2014, recorded as Document No. A-54130023, J. Alan Kugle, Trustee in Dissolution for C. Brewer and Company, Limited, a dissolved Hawaii corporation, successor by merger to Wailuku Agribusiness Co., Inc., did sell, assign, transfer and set over to Wailuku Water Company, LLC, a Hawaii limited liability company, all "in gross" reservations, grant and all other tangible and intangible property rights.

9. Claims arising out of the failure to convey the land described herein together with an easement or right of access.

10. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other matters which a correct survey or archaeological study would disclose.

Note: A current survey, with metes and bounds description, should be made of said premises.

11. Claims arising out of customary and traditional rights and practices, including without limitation those exercised for subsistence, cultural, religious, access or gathering purposes, as provided for in the Hawaii Constitution or the Hawaii Revised Statutes.

END OF EXHIBIT "B"

Tax Key: (2) 3-6-003-001

**EXHIBIT "C"**

All of that certain parcel of land (being portion of the lands described in and covered by Portions of Royal Patent Grant Number 3343 to Claus Spreckels; Portions of Royal Patent Number (None), Land Commission Award Number 8559-B, Apana 20 to W. C. Lunailo; Portions of Deed of Kamehameha IV to C. Brewer and others, dated April 21, 1863, recorded in Liber 16 at Page 374; Portions of Royal Patent Number 3956, Land Commission Award Number 3536 to Kuahine [Portions of Royal Patent Number 4059, Land Commission Award Number 3529, Apana 2 to Hana; All of Apana 1 of Royal Patent Number 3327, Land Commission Award Number 2461 to Kanehailua] Portions of Royal Patent Number 7303 , Land Commission Award Number 4452, Apana 10 to H. Kalama; and All of Royal Patent Number 8280, Land Commission Award Number 643 to Lydia Anne Macy) situate, lying and being at Wailuku and Waiehu, District of Wailuku, Island and County of Maui, State of Hawaii, bearing Tax Key designation (2) 3-3-003-003 and containing an area of 2,909.344 acres, more or less.

EXCEPTING AND EXCLUDING from the above described parcel:

(A) Portion of Royal Patent Number 4059, Land Commission Award Number 3529, Apana 2 to Hana; and

(B) Apana 1 of Royal Patent Number 3327, Land Commission Award Number 2461 to Kanehailua.

TOGETHER WITH that certain easement for all purposes as reserved in that certain instrument dated May 11, 1960, recorded in Liber 3841 on Page 348. Said easement was amended by Amendment of Easement dated April 12, 1995, recorded as Document No. 95-057135, and is described as follows:

All of that certain parcel of land (being portion of the land described in and covered by Royal Patent Number 3956, Land Commission Award Number 3536 to Kuahine) situate, lying and being at Iao Valley, District of Wailuku, Island and County of Maui, State of Hawaii, being 16 feet wide easement for access purposes in favor of Wailuku Sugar Company over and across Parcel 10 of Tax Map Key (2) 3-003:003, and more particularly described as follows:

Beginning at a 1/2 inch pipe at the northwesterly

1.	262°	42'	18.14	feet along Lot A of Duarte Subdivision to a point;
2.	Over and across Parcel 10 of Tax Map Key (2) 3-003:003 a curve to the left with a radius of 62.13 feet, and a central angle of 41° 16' 09", the chord azimuth and distance being:			
	13°	40'	04.5"	43.80 feet to a point;
3.	353°	02'	3.97	feet over and across the same to a point;
4.	281°	36'	11.33	feet over and across the same to a point;
5.	356°	08'	153.30	feet over and across the same to a point;
6.	86°	32'	16.00	feet along Alii Drive (County Roadway) to a point;
7.	176°	08'	141.01	feet over and across the same to a point;
8.	101°	36'	10.66	feet over and across the same to a point;
9.	173°	02'	14.57	feet over and across the same to a point;
10.	Over and across the same in a curve to the right with a radius of 78.14 feet and a central angle of 22° 41' 03", the chord azimuth and distance being			
	184°	23'	01.5"	30.76 feet to a point;
11.	270°	20'	6.67	feet along Parcel 3 of Tax



Map Key (2) 3-003:003 to a ½  
inch pipe;

12. 176° 08' 11.59 feet along the same to the  
point of beginning and  
containing an area of 3,322  
square feet or 0.076 acres,  
more or less

TOGETHER WITH the Grantor's rights and reservations set  
forth in and to the following:

1. Quitclaim Deed between Wailuku Agribusiness Co.,  
Inc., a Hawaii corporation, as Grantor, and Piko A' o, LLC, a  
Hawaii limited liability company, as Grantee, recorded on May 1,  
2002 in the Bureau of Conveyances of the State of Hawaii as  
Document No. 2002-075272.

2. Quitclaim Deed between Wailuku Agribusiness Co.,  
Inc., a Hawaii corporation, as Grantor, and George Arakawa and  
Janet Arakawa, husband and wife, as Grantee, recorded on May 23,  
2002 in the Bureau of Conveyances of the State of Hawaii as  
Document No. 2002-090838.

3. Limited Warranty Deed between Wailuku Agribusiness  
Co., Inc., a Hawaii corporation, as Grantor, and Lodi  
Development, Inc., a California corporation, et al., as Grantee,  
recorded on December 3, 2004 in the Bureau of Conveyances of the  
State of Hawaii as Document No. 2004-245132.

4. Quitclaim Deed between Wailuku Agribusiness Co.,  
Inc., a Hawaii corporation, as Grantor, and Lodi Development,  
Inc., a California corporation, et al., as Grantee, recorded on  
December 3, 2004 in the Bureau of Conveyances of the State of  
Hawaii as Document No. 2004-245133.

5. Limited Warranty Deed between Wailuku Agribusiness  
Co., Inc., a Hawaii corporation, as Grantor, and Lodi  
Development, Inc., a California corporation, as Grantee, recorded  
on August 12, 2004 in the Bureau of Conveyances of the State of  
Hawaii as Document No. 2004-165726.

6. Limited Warranty Deed between Wailuku Agribusiness  
Co., Inc., a Hawaii corporation, as Grantor, and Larry W.  
Anderson and Georgeann M. Anderson, as Grantee, recorded on July  
7, 2005 in the Bureau of Conveyances of the State of Hawaii as

Document No. 2005-134400.

7. Quitclaim Deed between Wailuku Agribusiness Co., Inc., a Hawaii corporation, as Grantor, and Larry W. Anderson and Georgeann M. Anderson, as Grantee, recorded on July 7, 2005 in the Bureau of Conveyances of the State of Hawaii as Document No. 2005-134399.

8. Deed With Exceptions and Reservations between Wailuku Agribusiness Co., Inc., a Hawaii corporation, as Grantor, and Michael P. Bailie and Stephanie E. Bailie, husband and wife, as Grantee, recorded on December 21, 1998 in the Bureau of Conveyances of the State of Hawaii as Document No. 98-190842.

9. Limited Warranty Deed between Wailuku Agribusiness Co., Inc., a Hawaii corporation, as Grantor, and Ko'olau Cattle Company LLC, as Grantee, recorded on April 25, 2003 in the Bureau of Conveyances of the State of Hawaii as Document No. 2003-076805.

10. Limited Warranty Deed between Wailuku Agribusiness Co., Inc., a Hawaii corporation, as Grantor, and Ko'olau Cattle Company LLC, as Grantee, recorded on September 23, 2003 in the Bureau of Conveyances of the State of Hawaii as Document No. 2003-204761.

11. Limited Warranty Deed between Wailuku Agribusiness Co., Inc., a Hawaii corporation, as Grantor, and RDD LLC, as Grantee, recorded on March 15, 2004 in the Bureau of Conveyances of the State of Hawaii as Document No. 2004-052146.

12. Deed With Exceptions and Reservations between Wailuku Agribusiness Co., Inc., a Hawaii corporation, as Grantor, and Philip K. Binney, husband of Beverly Binney, and David Eugene Moore, single, as Grantee, recorded on July 27, 2001 in the Bureau of Conveyances of the State of Hawaii as Document No. 2001-116245.

13. Quitclaim Deed between Wailuku Agribusiness Co., Inc., a Hawaii corporation, as Grantor, and Patricia Bragg, as Grantee, recorded on March 28, 2002 in the Bureau of Conveyances of the State of Hawaii as Document No. 2002-054767.

14. Quitclaim Deed between Wailuku Agribusiness Co., Inc., a Hawaii corporation, as Grantor, and Thomas Cerizo and

Claire M. Cerizo, husband and wife, as Grantee, recorded on June 28, 2004 in the Bureau of Conveyances of the State of Hawaii as Document No. 2004-130640.

15. Deed With Exceptions and Reservations between Wailuku Agribusiness Co., Inc., a Hawaii corporation, as Grantor, and Toyster, LLC, a Hawaii limited liability company, as Grantee, recorded on May 11, 2001 in the Bureau of Conveyances of the State of Hawaii as Document No. 2001-070335.

16. Quitclaim Deed between Wailuku Agribusiness Co., Inc., a Hawaii corporation, as Grantor, and Francisco A. Cerizo and Ranae F. Ganske-Cerizo, husband and wife, as Grantee, recorded on January 10, 2003 in the Bureau of Conveyances of the State of Hawaii as Document No. 2003-004470.

17. Agreement of Sale between Wailuku Agribusiness Co., Inc., a Hawaii corporation, as Seller, and Avery B. Chumbley and Mary L. Chumbley, as Purchaser, recorded on March 20, 2002 in the Bureau of Conveyances of the State of Hawaii as Document No. 2002-048567.

18. Quitclaim Deed between Wailuku Agribusiness Co., Inc., a Hawaii corporation, as Grantor, and Raymond E. Clevenger, husband of Edie Louise Clevenger, as Grantee, recorded on May 28, 2002 in the Bureau of Conveyances of the State of Hawaii as Document No. 2002-092791.

19. Quitclaim Deed between Wailuku Agribusiness Co., Inc., a Hawaii corporation, as Grantor, and Gordon Cockett, married, as Grantee, recorded on May 28, 2002 in the Bureau of Conveyances of the State of Hawaii as Document No. 2002-093007.

20. Quitclaim Deed between Wailuku Agribusiness Co., Inc., a Hawaii corporation, as Grantor, and Raynold Correia, single, as Grantee, recorded on May 28, 2002 in the Bureau of Conveyances of the State of Hawaii as Document No. 2002-092805.

21. Quitclaim Deed between Wailuku Agribusiness Co., Inc., a Hawaii corporation, as Grantor, and Charles Dando and Judy Dando, husband and wife, as Grantee, recorded on September 27, 2002 in the Bureau of Conveyances of the State of Hawaii as Document No. 2002-171655.

22. Quitclaim Deed between Wailuku Agribusiness Co.,

Inc., a Hawaii corporation, as Grantor, and Don Harris and Valerie Deva, husband and wife, as Grantee, recorded on August 28, 2002 in the Bureau of Conveyances of the State of Hawaii as Document No. 2002-151829.

23. Quitclaim Deed between Wailuku Agribusiness Co., Inc., a Hawaii corporation, as Grantor, and Kim Do, as Grantee, recorded on December 11, 2001 in the Bureau of Conveyances of the State of Hawaii as Document No. 2001-193259.

24. Quitclaim Deed between Wailuku Agribusiness Co., Inc., a Hawaii corporation, as Grantor, and John V. Duey and Rose Marie Duey, husband and wife, as Grantee, recorded on December 10, 2001 in the Bureau of Conveyances of the State of Hawaii as Document No. 2001-191788.

25. Quitclaim Deed between Wailuku Agribusiness Co., Inc., a Hawaii corporation, as Grantor, and R. Keoni Fairbanks, single, as Grantee, recorded on May 28, 2002 in the Bureau of Conveyances of the State of Hawaii as Document No. 2002-092801.

26. Quitclaim Deed between Wailuku Agribusiness Co., Inc., a Hawaii corporation, as Grantor, and R. Keoni Fairbanks, single, as Grantee, recorded on May 1, 2003 in the Bureau of Conveyances of the State of Hawaii as Document No. 2003-081210.

27. Limited Warranty Deed between Wailuku Agribusiness Co., Inc., a Hawaii corporation, as Grantor, and CGM, LLC, as Grantee, recorded on August 21, 2002 in the Bureau of Conveyances of the State of Hawaii as Document No. 2002-146581.

28. Quitclaim Deed between Wailuku Agribusiness Co., Inc., a Hawaii corporation, as Grantor, and CGM, LLC, as Grantee, recorded on August 21, 2002 in the Bureau of Conveyances of the State of Hawaii as Document No. 2002-146582.

29. Quitclaim Deed between Wailuku Agribusiness Co., Inc., a Hawaii corporation, as Grantor, and CGM, LLC, as Grantee, recorded on August 21, 2002 in the Bureau of Conveyances of the State of Hawaii as Document No. 2002-146583.

30. Deed between Wailuku Agribusiness Co., Inc., a Hawaii corporation, as Grantor, and County of Maui, as Grantee, recorded on July 20, 2004 in the Bureau of Conveyances of the State of Hawaii as Document No. 2004-014759.

31. Limited Warranty Deed between Wailuku Agribusiness Co., Inc., a Hawaii corporation, as Grantor, and Spencer Homes, Inc., as Grantee, recorded on December 30, 2004 in the Bureau of Conveyances of the State of Hawaii as Document No. 2004-264223.

32. Limited Warranty Deed between Wailuku Agribusiness Co., Inc., a Hawaii corporation, as Grantor, and WK3-LLC, as Grantee, recorded on September 4, 2002 in the Bureau of Conveyances of the State of Hawaii as Document No. 2002- 155565.

33. Quitclaim Deed between Wailuku Agribusiness Co., Inc., a Hawaii corporation, as Grantor, and WK3-LLC, as Grantee, recorded on September 4, 2002 in the Bureau of Conveyances of the State of Hawaii as Document No. 2002-155566.

34. Deed With Exceptions and Reservations between Wailuku Agribusiness Co., Inc., a Hawaii corporation, as Grantor, and Free Church of Tonga in Hawaii, a non-profit corporation registered to do business in Hawaii, as Grantee, recorded on September 30, 1998 in the Bureau of Conveyances of the State of Hawaii as Document No. 98-146259.

35. Quitclaim Deed between Wailuku Agribusiness Co., Inc., a Hawaii corporation, as Grantor, and Kyle K. Gusman, as Grantee, recorded on December 31, 2001 in the Bureau of Conveyances of the State of Hawaii as Document No. 2001-206914.

36. Quitclaim Deed between Wailuku Agribusiness Co., Inc., a Hawaii corporation, as Grantor, and Wahi Ho'omalua Limited Partnership, a Hawaii limited partnership, as Grantee, recorded on November 26, 2003 in the Bureau of Conveyances of the State of Hawaii as Document No. 2003-259898.

37. Quitclaim Deed between Wailuku Agribusiness Co., Inc., a Hawaii corporation, as Grantor, and Paul Keonaona Higashino, husband of Jennifer Malia Higashino, as Grantee, recorded on December 27, 2000 in the Bureau of Conveyances of the State of Hawaii as Document No. 2000-181607.

38. Deed With Exceptions and Reservations between Wailuku Agribusiness Co., Inc., a Hawaii corporation, as Grantor, and Richard J. Hoehn, husband of Janna L. Hoehn, as Grantee, recorded on December 30, 1999 in the Bureau of Conveyances of the State of Hawaii as Document No. 99-207404.

39. Quitclaim Deed between Wailuku Agribusiness Co., Inc., a Hawaii corporation, as Grantor, and Robert Horcajo and Tamara Horcajo, husband and wife, as Grantee, recorded on July 8, 2002 in the Bureau of Conveyances of the State of Hawaii as Document No. 2002-118504.

40. Quitclaim Deed between Wailuku Agribusiness Co., Inc., a Hawaii corporation, as Grantor, and Merle Y. Ideoka, wife of Nolan Ideoka, and Merle Y. Ideoka, as Custodian for Melissa N. Ideoka, as Grantee, recorded on April 10, 2003 in the Bureau of Conveyances of the State of Hawaii as Document No. 2003-066247.

41. Grant of Perpetual Easement between Wailuku Agribusiness Co., Inc., a Hawaii corporation, as Grantor, and GTE Hawaiian Telephone Company Incorporated, a Hawaii corporation, as Grantee, recorded on September 28, 1998 in the Bureau of Conveyances of the State of Hawaii as Document No. 98- 144955.

42. Grant of Perpetual Easement between Wailuku Agribusiness Co., Inc., a Hawaii corporation, as Grantor, and GTE Hawaiian Telephone Company Incorporated, a Hawaii corporation, as Grantee, recorded on October 29, 1998 in the Bureau of Conveyances of the State of Hawaii as Document No. 98- 162980.

43. Quitclaim Deed between Wailuku Agribusiness Co., Inc., a Hawaii corporation, as Grantor, and Waiko Baseyard, LLC, a Hawaii limited liability company, as Grantee, recorded on June 26, 2001 in the Bureau of Conveyances of the State of Hawaii as Document No. 2001-097110.

44. Quitclaim Deed between Wailuku Agribusiness Co., Inc., a Hawaii corporation, as Grantor, and Velma Kailihiwa, widow, as Grantee, recorded on May 28, 2002 in the Bureau of Conveyances of the State of Hawaii as Document No. 2002-092806.

45. Quitclaim Deed between Wailuku Agribusiness Co., Inc., a Hawaii corporation, as Grantor, and Elizabeth L. Kila, widow, as Grantee, recorded on June 4, 2002 in the Bureau of Conveyances of the State of Hawaii as Document No. 2002-098043.

46. Quitclaim Deed between Wailuku Agribusiness Co., Inc., a Hawaii corporation, as Grantor, and Hale Mua Properties, LLC, as Grantee, recorded on May 21, 2004 in the Bureau of Conveyances of the State of Hawaii as Document No. 2004-102439.

47. Quitclaim Deed between Wailuku Agribusiness Co.,

Inc., a Hawaii corporation, as Grantor, and Robert W. C. Krueger and Jodie Ann Krueger, husband and wife, and Thomas H. Krueger, III and Dawna L. Krueger, Trustees under the Thomas and Dawna Krueger Family Trust dated August 5, 1996, as Grantee, recorded on May 4, 2004 in the Bureau of Conveyances of the State of Hawaii as Document No. 2004-089037.

48. Limited Warranty Deed between Wailuku Agribusiness Co., Inc., a Hawaii corporation, as Grantor, and Wailuku Kuikahi LLC, a Hawaii limited liability company, as Grantee, recorded on August 6, 2004 in the Bureau of Conveyances of the State of Hawaii as Document No. 2004-161727.

49. Quitclaim Deed between Wailuku Agribusiness Co., Inc., a Hawaii corporation, as Grantor, and Noenoe Marks Lindsey, and Stephen Daniel Haller and Michele Lee Haller, husband and wife, as Grantee, recorded on March 23, 2004 in the Bureau of Conveyances of the State of Hawaii as Document No. 2004-058933.

50. Limited Warranty Deed between Wailuku Agribusiness Co., Inc., a Hawaii corporation, as Grantor, and Noenoe Marks Lindsey, and Stephen Daniel Haller and Michele Lee Haller, husband and wife, as Grantee, recorded on March 23, 2004 in the Bureau of Conveyances of the State of Hawaii as Document No. 2004-058932.

51. Quitclaim Deed between Wailuku Agribusiness Co., Inc., a Hawaii corporation, as Grantor, and Andrew Lozano, Jr. and Sharon Lozano, Co-Trustees of the unrecorded Lozano Family Trust dated April 4, 2001, as Grantee, recorded on September 23, 2002 in the Bureau of Conveyances of the State of Hawaii as Document No. 2002-167674.

52. Quitclaim Deed With Exceptions and Reservations between Wailuku Agribusiness Co., Inc., a Hawaii corporation, as Grantor, and Andrew Lozano, Jr. and Sharon Lozano, Co-Trustees of the unrecorded Lozano Family Trust dated April 4, 2001, as Grantee, recorded on November 29, 2001 in the Bureau of Conveyances of the State of Hawaii as Document No. 2001-186151.

53. Deed With Exceptions and Reservations between Wailuku Agribusiness Co., Inc., a Hawaii corporation, as Grantor, and M2W, L.L.C., a Hawaii limited liability company, as Grantee, recorded on January 19, 2001 in the Bureau of Conveyances of the State of Hawaii as Document No. 2001-008327.

54. Limited Warranty Deed between Wailuku Agribusiness Co., Inc., a Hawaii corporation, as Grantor, and M2W, L.L.C., a Hawaii limited liability company, as Grantee, recorded on July 18, 2002 in the Bureau of Conveyances of the State of Hawaii as Document No. 2002-125073.

55. Quitclaim Deed With Exceptions and Reservations between Wailuku Agribusiness Co., Inc., a Hawaii corporation, as Grantor, and Lawrence M. Miyahira and Janet C. Miyahara, husband and wife, as Grantee, recorded on September 24, 1999 in the Bureau of Conveyances of the State of Hawaii as Document No. 99-153923.

56. Limited Warranty Deed between Wailuku Agribusiness Co., Inc., a Hawaii corporation, as Grantor, and David Paul Niehaus and Deborah L. Mathias, husband and wife, Frank W. Hollister, single, and Niel R. Strumingher, single, as Grantee, recorded on August 13, 2004 in the Bureau of Conveyances of the State of Hawaii as Document No. 2004-166211.

57. Quitclaim Deed between Wailuku Agribusiness Co., Inc., a Hawaii corporation, as Grantor, and David Paul Niehaus and Deborah L. Mathias, husband and wife, Frank W. Hollister, single, and Niel R. Strumingher, single, as Grantee, recorded on August 13, 2004 in the Bureau of Conveyances of the State of Hawaii as Document No. 2004-166212.

58. Quitclaim Deed between Wailuku Agribusiness Co., Inc., a Hawaii corporation, as Grantor, and David Paul Niehaus, husband of Deborah Laurine Mathias, as Grantee, recorded on March 8, 2002 in the Bureau of Conveyances of the State of Hawaii as Document No. 2002-040877.

59. Limited Warranty Deed between Wailuku Agribusiness Co., Inc., a Hawaii corporation, as Grantor, and Waikapu 28 Investment, LLC, a Hawaii limited liability company, as Grantee, recorded on January 31, 2003 in the Bureau of Conveyances of the State of Hawaii as Document No. 2003-019112.

60. Deed With Exceptions and Reservations between Wailuku Agribusiness Co., Inc., a Hawaii corporation, as Grantor, and Scott Nunokawa and Haunani S. Y. Lemn, husband and wife, as Grantee, recorded on June 30, 1999 in the Bureau of Conveyances of the State of Hawaii as Document No. 99-104486.

61. Quitclaim Deed between Wailuku Agribusiness Co., Inc., a Hawaii corporation, as Grantor, and Francis Allan



Ornellas, as Grantee, recorded on May 6, 2002 in the Bureau of Conveyances of the State of Hawaii as Document No. 2002-078500.

62. Quitclaim Deed between Wailuku Agribusiness Co., Inc., a Hawaii corporation, as Grantor, and Aina Ho, LLC, a Nevada limited liability company, as Grantee, recorded on July 29, 2002 in the Bureau of Conveyances of the State of Hawaii as Document No. 2002-130787.

63. Quitclaim Deed between Wailuku Agribusiness Co., Inc., a Hawaii corporation, as Grantor, and TKR, LLC (Robinson), as Grantee, recorded on March 31, 2003 in the Bureau of Conveyances of the State of Hawaii as Document No. 2003-058920.

64. Quitclaim Deed between Wailuku Agribusiness Co., Inc., a Hawaii corporation, as Grantor, and Wahi Ho'omalua Limited Partnership, a Hawaii limited partnership, as Grantee, recorded on May 5, 2004 in the Bureau of Conveyances of the State of Hawaii as Document No. 2004-090433.

65. Quitclaim Deed between Wailuku Agribusiness Co., Inc., a Hawaii corporation, as Grantor, and Burt H. Sakata, as Grantee, recorded on February 8, 2002 in the Bureau of Conveyances of the State of Hawaii as Document No. 2002-022860.

66. Quitclaim Deed between Wailuku Agribusiness Co., Inc., a Hawaii corporation, as Grantor, and Burt H. Sakata and Pater C. Fritez, as Grantee, recorded on December 21, 2001 in the Bureau of Conveyances of the State of Hawaii as Document No. 2001-201678.

67. Warranty Deed between Wailuku Agribusiness Co., Inc., a Hawaii corporation, as Grantor, and State of Hawaii, as Grantee, recorded on January 22, 2002 in the Bureau of Conveyances of the State of Hawaii as Document No. 2002-010678.

68. Quitclaim Deed between Wailuku Agribusiness Co., Inc., a Hawaii corporation, as Grantor, and Waiehu Aina, LLC, a Hawaii limited liability company, as Grantee, recorded on December 11, 2001 in the Bureau of Conveyances of the State of Hawaii as Document No. 2001-193246.

69. Quitclaim Deed between Wailuku Agribusiness Co., Inc., a Hawaii corporation, as Grantor, and Waiehu Aina, LLC, a Hawaii limited liability company, as Grantee, recorded on December 8, 2000 in the Bureau of Conveyances of the State of Hawaii as Document No. 2000-173483.

70. Limited warranty Deed between Wailuku Agribusiness Co., Inc., a Hawaii corporation, as Grantor, and Lloyd K. Sodetani, husband of Sharon L. Sodetani, and Endurance Investors, LLC, a Washington limited liability company, as Grantee, recorded on December 30, 2002 in the Bureau of Conveyances of the State of Hawaii as Document No. 2002-234374.

71. Limited warranty Deed between Wailuku Agribusiness Co., Inc., a Hawaii corporation, as Grantor, and Spencer Homes, Inc., as Grantee, recorded on December 30, 2004 in the Bureau of Conveyances of the State of Hawaii as Document No. 2004-264223.

72. Limited warranty Deed between Wailuku Agribusiness Co., Inc., a Hawaii corporation, as Grantor, and Emmanuel Lutheran Church of Maui, as Grantee, recorded on December 30, 2004 in the Bureau of Conveyances of the State of Hawaii as Document No. 2004-264052.

73. Limited Warranty Deed between Wailuku Agribusiness Co., Inc., a Hawaii corporation, as Grantor, and Valley Isle Fellowship, Inc., a Hawaii non-profit corporation, as Grantee, recorded on January 27, 2005 in the Bureau of Conveyances of the State of Hawaii as Document No. 2005-015822.

74. Quitclaim Deed between Wailuku Agribusiness Co., Inc., a Hawaii corporation, as Grantor, and Clayton Shigeta Suzuki, Trustee of the Clayton Shigeta Suzuki Revocable Trust dated July 5, 1984, as amended, and Linda Michie Kadosaki, Trustee of the Linda Michie Kadosaki Revocable Trust dated July 5, 1984, as amended, as Grantee, recorded on May 1, 2003 in the Bureau of Conveyances of the State of Hawaii as Document No. 2003-081213.

75. Limited warranty Deed between Wailuku Agribusiness Co., Inc., a Hawaii corporation, as Grantor, and Makena Real Estate Corporation, as Grantee, recorded on May 27, 2004 in the Bureau of Conveyances of the State of Hawaii as Document No. 2004-107165.

76. Quitclaim Deed between Wailuku Agribusiness Co., Inc., a Hawaii corporation, as Grantor, and Makena Real Estate Corporation, as Grantee, recorded on May 27, 2004 in the Bureau of Conveyances of the State of Hawaii as Document No. 2004-107166.

77. Limited Warranty Deed between Wailuku Agribusiness

Co., Inc., a Hawaii corporation, as Grantor, and Allen Y. Ting, III and Donna P. Ting, husband and wife, as Grantee, recorded on July 29, 2002 in the Bureau of Conveyances of the State of Hawaii as Document No. 2002-130786.

78. Limited Warranty Deed between Wailuku Agribusiness Co., Inc., a Hawaii corporation, as Grantor, and Allen Ting, III and Donna P. Ting, husband and wife, as Grantee, recorded on January 14, 2003 in the Bureau of Conveyances of the State of Hawaii as Document No. 2003-005884.

79. Limited warranty Deed between Wailuku Agribusiness Co., Inc., a Hawaii corporation, as Grantor, and Puueo Mauka LLC, as Delaware limited liability company, as Grantee, recorded on June 26, 2002 in the Bureau of Conveyances of the State of Hawaii as Document No. 2002-111716.

80. Quitclaim Deed between Wailuku Agribusiness Co., Inc., a Hawaii corporation, as Grantor, and Puueo Mauka LLC, as Delaware limited liability company, as Grantee, recorded on June 26, 2002 in the Bureau of Conveyances of the State of Hawaii as Document No. 2002-111717.

81. Quitclaim Deed between Wailuku Agribusiness Co., Inc., a Hawaii corporation, as Grantor, and North Shore at Waiehu, LLC, as Grantee, recorded on March 9, 2001 in the Bureau of Conveyances of the State of Hawaii as Document No. 2001-032727.

82. Assignment of In Gross Reservations between Wailuku Agribusiness Co., Inc. and Wailuku Water Company, LLC effective October 1, 2005 and recorded in the Bureau of Conveyances of the State of Hawaii concurrently herewith.

Said above described parcel of land having been acquired by the Grantor herein as follows:

1. By Exchange Deed of Hawaiian Commercial and Sugar Company, a California corporation, dated June 23, 1924, recorded in Liber 740 on Page 134 (re: Royal Patent Grant Number 3343 to Claus Spreckels);

2. By Deed of Waihee Sugar Company dated December 31, 1894, recorded in Liber 152 on Page 189 (re: Royal Patent Number (None), Land Commission Award Number 8559-B, Apana 20 to W.C. Lunailo);

3. By Deed of Daniel Smith, Trustee dated September 21, 1875, recorded in Liber 44 on Page 38 (re: Deed of Kamehameha IV to C. Brewer and others, dated April 21, 1863, recorded in Liber 16 at Page 374);

4. By Deed of Hanale (k) dated October 22, 1890, recorded in Liber 127 on Page 250 (re: Royal Patent Number 3956, Land Commission Award Number 3536 to Kuahine) ;

5. By Deed of the Estate of C. Kanaina, Deceased, dated January 31, 1881, recorded in Liber 69 on Page 113 (re: Royal Patent Number 7303, Land Commission Award Number 4452, Apana 10 to H. Kalama); and

6. By Deed of Henry Cornwell, husband of Adelia Cornwell, dated February 1, 1870, recorded in Liber 30 on Page 1 (re: Royal Patent Number 8280, Land Commission Award Number 643, Apana 1 to Lydia Anne Macy).

SUBJECT, HOWEVER, to the following:

1. Reservation in favor of the State of Hawaii of all mineral and metallic mines.

2. Location of the Stream and the effect, if any, described herein, and the free boundary of Iao Stream and Waiehu upon the area of the land flowage thereof.

3. West Maui Forest Reserve as shown on the tax map.

4. Trail and Tunnel (20-feet wide) as shown on tax map.

5. Interest in the following sources of title has been conveyed to the Grantor herein:

(A) Portion of Royal Patent Number 4059, Land Commission Award Number 3529, Apana 2 to Hana; and

(B) Apana 1 of Royal Patent Number 3327, Land Commission Award Number 2461 to Kanehailua.

6. All rights, claims and/or interests of others which exist or might arise by virtue of those kuleana described

as follows:

(A) Portion of Royal Patent Number 4059, Land Commission Award Number 3529, Apana 2 to Hana; and

(B) Apana 1 of Royal Patent Number 3327, Land Commission Award Number 2461 to Kanehailua.

7. The terms and provisions, including the failure to comply with any covenants, conditions and reservations, contained in Exchange Deed dated January 31, 1978, recorded in Liber 12895 on Page 216.

8. Grant to Maui Electric Company, Limited, a Hawaii corporation, and Hawaiian Telephone Company, a Hawaii corporation, now known as Verizon Hawaii, Inc., dated January 5, 1987, recorded in Liber 20331 on Page 23, granting a perpetual right and easement for utility purposes as shown on the map attached thereto.

9. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other matters which a correct survey or archaeological study would disclose.

Note: A current survey, with metes and bounds description, should be made of said premises.

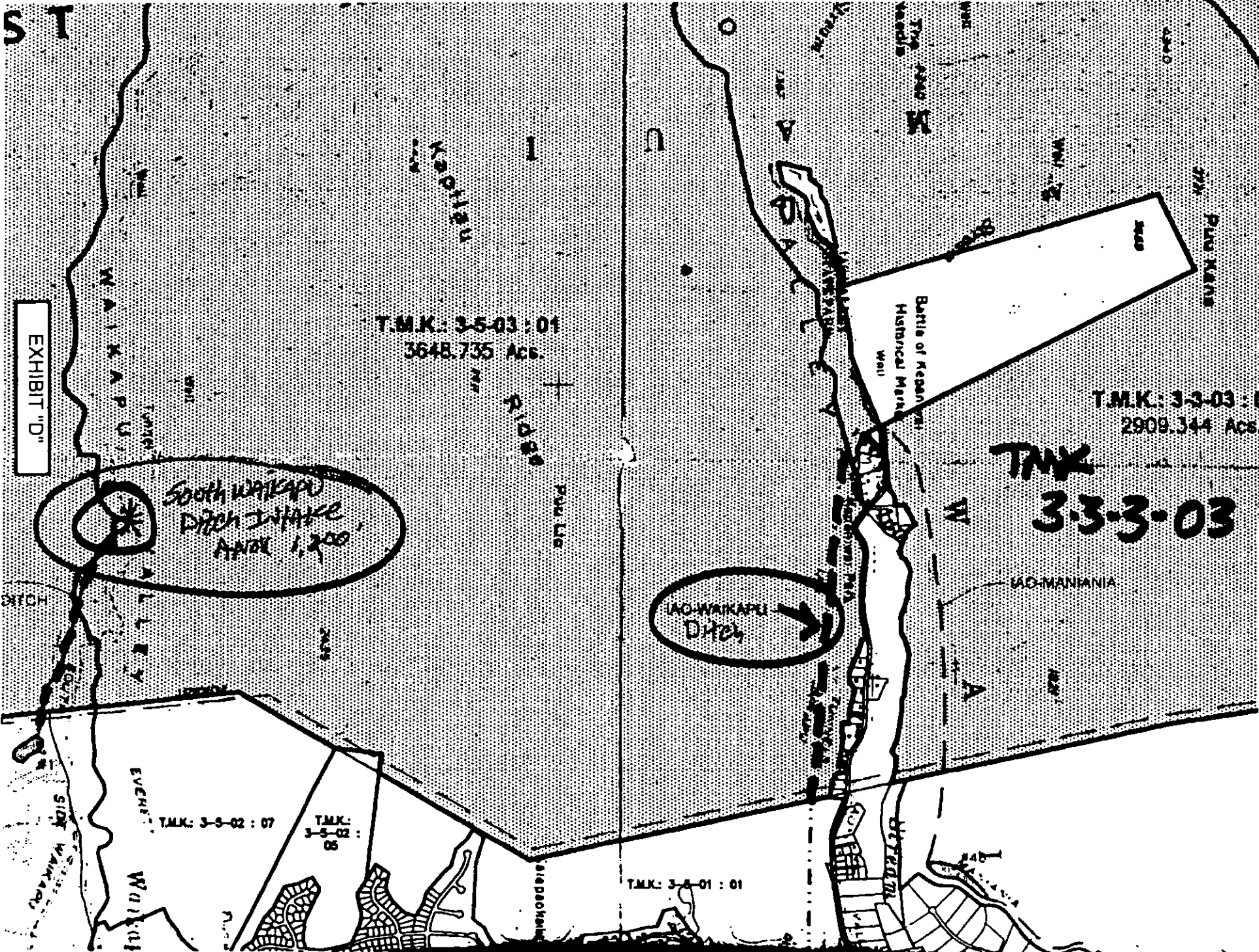
10. Claims arising out of customary and traditional rights and practices, including without limitation those exercised for subsistence, cultural, religious, access or gathering purposes, as provided for in the Hawaii Constitution or the Hawaii Revised Statutes.

11. The terms and provisions, including the failure to comply with any covenants, conditions and reservations, contained in Declaration of Easements dated June 19, 2002, recorded as Document No. 2002-111718.

END OF EXHIBIT "C"

Tax Key: (2) 3-3-003:003

EXHIBIT "D"



S T

EXHIBIT "D"

T.M.K.: 3-5-03:01  
3648.735 Acs.

T.M.K.: 3-3-03:1  
2909.344 Acs.

T.M.K.  
3-3-3-03

South Waikapepe  
Ditch Intake  
APRIL 1, 2000

LAO-WAIKAPEPE  
Ditch

Battle of Keananui  
Historical Marker  
Well

T.M.K.: 3-5-02:07

T.M.K.:  
3-5-02:  
08

T.M.K.: 3-5-01:01